

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ernst Janzen et al.
Serial No. : 08/399,535
US Patent No.: 7,008,439
Filed : March 7, 1995
Issued : March 7, 2006
Title : DEVICE AND METHOD FOR SEALING PUNCTURE WOUNDS

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. §1.324, 1.42 AND 1.183 FOR CORRECTION OF INVENTORSHIP

Further to the teleconference between the undersigned and Mr. Douglas Wood, Esq., of the Office of Patent Legal Administration, the undersigned hereby petitions under 37 C.F.R. §1.324 to add a deceased inventor to United States Patent No. 7,008,439. Submitted herewith are statements by the named inventors and the assignee in satisfaction of the requirements set forth in 37 C.F.R. §1.324(b)(2)-(3). The remaining substantive requirement, the no-deceptive-intent statement of the omitted inventor under 37 C.F.R. §1.324(b)(1), is believed to be satisfied under 37 C.F.R. §1.42 by the attached statement of the legal representative of the deceased inventor. Pursuant to the undersigned's discussion with Mr. Wood, the instant petition seeks in the alternative waiver under 37 C.F.R. §1.183 of the non-statutory requirement set forth in 37 C.F.R. §1.324(b)(1). That requirement is non-statutory because 35 USC 256 requires only that the originally named inventors and assignees join the petition and thus the requirement of 37 CFR §1.324(b)(1) may be waived under 37 CFR §1.183 where the "facts of record unequivocally support the correction sought." (*MPEP 201.03 at Section A, MPEP 1481.02*) As explained in further detail below, the declarations submitted in connection

with the parent, sibling, and child applications demonstrate not only that the omitted inventor did in fact contribute claimed subject matter, but also that the three existing inventors, and the omitted inventor, expressly averred that the omission of Mr. Sidney Wolvek as an inventor in the parent case occurred without deceptive intent. The named inventors and assignee accordingly request that Mr. Wolvek, now deceased, be added as an inventor to the '439 patent.

The Requirement of 37 CFR §1.324(b)(1) is Met by the Statement of the Deceased Inventor's Legal Representative Under 37 CFR §1.42

The Patent Act, Title 37 of the Code of Federal Regulations, and the Manual of Patent Examining Procedure provide that the legal representative may take action such as that provided in 37 CFR §1.324(b) on behalf of a deceased inventor. Section 117 of the Patent Act provides that "[l]egal representatives of deceased inventors and of those under legal incapacity may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor." The corresponding rule, 37 CFR §1.42, provides as follows:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent. Where the inventor dies during the time intervening between the filing of the application and the granting of a patent thereon, the letters patent may be issued to the legal representative upon proper intervention.

The MPEP indicates that “proof of authority of the legal representative of a deceased or incapacitated inventor” is no longer required. MPEP 409.01(b).

Accordingly, the attached statement of the legal representative of the omitted inventor is believed to satisfy the requirement set forth in 37 C.F.R. §1.324(b)(1) that the omitted inventor provide a statement that the omission occurred without deceptive intent on his part. The statement indicates that Mr. Joe Wolvek is the legal representative of the estate of his relative Sidney Wolvek, the omitted inventor. The statement further indicates that, to the best of the knowledge and belief of the legal representative, the omission of Sidney Wolvek as an inventor on the above-referenced patent was an error that occurred without any deceptive intention the part of Sidney Wolvek. The undersigned respectfully requests that this statement of the legal representative be accepted under 37 C.F.R. §1.42 in satisfaction of the requirement set forth in 37 C.F.R. §1.324(b)(1).

In the Alternative the Requirement of 37 CFR §1.324(b)(1) Should be Waived

The Manual of Patent Examining Procedure at Section 1481.02 explains that the non-statutory requirements of 37 CFR §1.324(b)(1) may be waived by a petition under 37 CFR §1.183. In particular, MPEP 1481.02 states that “if [a 37 CFR §1.183] petition requests waiver of requirements of 37 CFR §1.324 that are not specific requirements of the statute (i.e., the fee or the oath or declaration by all inventors), the application must be forwarded to a petitions attorney in the Office of the Deputy Commissioner for Patent Examination Policy for decision.” (MPEP 1481.02 at the last Examiner’s Note)

The MPEP identifies 35 USC §256 as the statutory basis for 37 CFR §1.324 and that statutory provision does not require that the omitted inventor join the petition. Section 256 provides as follows:

Whenever through error a person is named in an issued patent as the inventor, or through error an inventor is not named in an issued patent and such error arose without any deceptive intention on his part, the Director may, **on application of all the parties and assignees**, with proof of the facts and such other requirements as may be imposed, issue a certificate correcting such error.

The error of omitting inventors or naming persons who are not inventors shall not invalidate the patent in which such error occurred if it can be corrected as provided in this section. The court before which such matter is called in question may order correction of the patent on notice and hearing of **all parties concerned** and the Director shall issue a certificate accordingly.

(Emphasis added) The phrase "all parties concerned" has been held to refer to the existing named inventors. *See Gabriel Techs. Corp. v. Qualcomm Inc., CASE NO. 08-cv-1992-MMA, 2009 U.S. Dist. LEXIS 98379, *30 (S.D. Cal. September 3, 2009)*. This understanding is equally applicable to the phrase "all the parties and assignees" in the preceding paragraph. The MPEP confirms this understanding, providing that "correction of inventorship in a patent under 37 CFR §1.324 requires petition of all the parties, i.e., **originally named inventors and assignees**, in accordance with statute (35 U.S.C. §256). . . ." (*MPEP 1481.02, emphasis added*) Accordingly, there is no statutory requirement that a petition to correct inventorship under 37 CFR §1.324 be joined by the omitted inventor. Because the omitted inventor is not statutorily required to join a petition under §1.324, the requirement of a statement from the omitted inventor may be waived.

Moreover, the MPEP specifically contemplates that the requirement of a statement claiming "no deceptive intent" may be waived when, as here, the requirement is not statutory. (*MPEP 1481.02, noting that petitions to waive the statement requirement of 37 CFR §1.48(a) may be made because the requirement is not statutory*) To the extent that there is a statutory requirement under 35 U.S.C. §256 regarding the omitted inventor, it is not that the omitted inventor must submit a "statement" evincing a lack of deceptive intent, but that the facts establish a lack of deceptive intent on his part. Given the MPEP correctly recognizes that the statute requires only that the existing inventors and assignees join a 37 CFR §1.324 petition, it follows that the requirement under 37 CFR §1.324(b)(1) that the omitted inventor provide a statement is not statutorily required and thus may be waived on a proper petition under 37 CFR §1.183.

A petition to waive the statement requirement requires a showing that the "facts of record unequivocally support the correction sought." (*MPEP 201.03, citing In re Hardee, 223 USPQ 1122, 1123 (Comm'r Pat. 1984)*) Because a petition to correct inventorship is intended to be a straightforward procedural remedy, "issues relating to the inventors' or alleged inventors' actual contributions to conception and reduction to practice are not appropriate for consideration in determining whether the record unequivocally supports the correction sought." (*MPEP 203.03 at section A*) In showing that the facts of record unequivocally support the correction sought, it is thus not necessary to set forth the factual basis for concluding that an omitted inventor is a true and joint inventor. Accordingly, the undersigned does not set

forth herein the factual basis for the conclusion that Mr. Wolvek is a joint inventor. The undersigned has independently evaluated the inventorship issues, however, and concluded that Mr. Wolvek is a true and joint inventor of the subject matter claimed in the '439 patent.

The remaining facts of record demonstrate that Mr. Wolvek's omission from the '439 patent was an error. Mr. Wolvek is listed as an inventor in the parent application, sibling applications, and all three child applications. In the parent application, Serial No. 08/318,380, Mr. Wolvek was added as an inventor by Rule 48 petition. The petition explained that the '380 application was a divisional application which claimed new and additional subject matter to which Mr. Wolvek made a material contribution. (*Serial No. 08/318,380 at May 29, 1996 Rule 48 petition*) The declarations submitted with the petition together with the later declaration of Mr. Wolvek establish that Mr. Wolvek was considered by himself and the remaining three joint inventors to be a true and joint inventor of the subject matter claimed in the '380 application. Three continuation applications claim benefit to the '380 application, one of which matured into the instant '439 patent and two others that matured into U.S. Patent Nos. 5,725,498 and 5,741,223.¹ Mr. Wolvek is properly listed as inventor on these two sibling patents but was mistakenly omitted from the '439 patent. Three continuation applications were filed claiming benefit to the '439 patent and each of those three applications listed Mr. Wolvek as an inventor. (*See U.S. Application Serial Nos. 11/296,170, 11/495,802, and 11/725,433*) In the last

¹ There exists a fourth continuation application, Serial No. 09/085,727, which did not issue but served as a priority application for a grandchild application, Serial No. 09/468,652, which matured into U.S. Patent No. 6,325,789. The '789 patent claims benefit not only to the '380 patent application but also to another divisional application. The assignee is separately evaluating whether it is appropriate to add Mr. Wolvek as an inventor on the '789 patent.

of these, Mr. Wolvek's widow, Irma Wolvek, signed the oath on Mr. Wolvek's behalf as the legal representative of the deceased. (*Serial No. 11/725,433 at December 10, 2007 declaration*) The facts of record therefore unequivocally support the correction sought – the addition of Mr. Wolvek as an inventor to the '439 patent.

Although not required for a petition under 37 CFR §1.183 to waive the statement requirement of 37 CFR §1.324(b)(1), the facts of record also provide uncontroverted evidence that Mr. Wolvek's omission from the '439 patent occurred without deceptive intent on his part. In the parent application, serial no. 08/318,380, the assignee petitioned under Rule 48 to have Mr. Wolvek added as an inventor. Pursuant to the version of Rule 48(a) that was in effect at that time, the petition included declarations of the three originally named inventors – the same three inventors listed on the '439 patent – each of whom averred as follows:

To the best of my knowledge and belief, omission of claims to the subject matter of Mr. Wolvek's invention occurred as a result of error and without deceptive intention, and that therefore the omission of Mr. Wolvek from the application as originally filed also occurred as a results of error and without deceptive intention.

(*Serial No. 08/318,380 at May 16, 1996 declarations of Janzen, Ruttgers and Saper*) Mr. Wolvek also submitted a declaration setting forth that his omission from the '380 application was not due to any deceptive intent on his part, but rather due to previously "unclaimed subject matter" reflected in newly added claims to the '380 application. Consistent with these averments, Mr. Wolvek was included as an inventor in the sibling applications which matured into the '498 and '223 patents as well as all three continuation applications claiming benefit to

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the '439 patent. (See U.S. application Serial Nos. 11/296,170, 11/495,802, and 11/725,433)

These facts and circumstances constitute uncontroverted evidence that the omission of Mr. Wolvek occurred without deceptive intent.

Given that the instant record unequivocally demonstrates the deceased is a true and joint inventor and further shows that his omission occurred without deceptive intent, the existing inventors and the assignee hereby request waiver of the requirement set forth 37 CFR §1.324(b)(1).

The Requirements of 37 CFR §1.324(b)(2)-(3) Are Met By the Statements Submitted Herewith

Submitted herewith are statements of Messrs. Janzen, Ruttgers and Saper agreeing to the addition of Mr. Wolvek as an inventor to the '439 patent. These statements satisfy the requirement set forth in 37 CFR §1.324(b)(2) of "a statement from the current named inventors who have not submitted a statement under paragraph (b)(1) of this section either agreeing to the change of inventorship or stating that they have no disagreement in regard to the requested change."

The attached Consent of Assignee Pursuant to 37 CFR 3.73(b) satisfies the requirement set forth in 37 CFR §1.324(b)(3). In particular, the latter rule requires "[a] statement from all assignees of the parties submitting a statement under paragraphs (b)(1) and (b)(2) of this section agreeing to the change of inventorship in the patent, which statement must comply with the requirements of § 3.73(b) of this chapter." The Consent of Assignee submitted

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herewith discharges this requirement. The fact that St. Jude Medical, Inc. owns the entire right, title and interest in the '439 patent is evidenced by the assignment from the inventors to Datascope Investment Corp. at reel number 021172, frame number 0893 and the assignment from Datascope Investment Corp. to St. Jude Medical, Inc. submitted herewith, which is being recorded concurrently herewith. The assignment from the omitted inventor to Datascope Investment Corp. is evidenced by the assignment at reel 007985, frame number 0378.

The Payments Specified by 37 CFR §1.324(b)(4) and §1.183

The undersigned requests that the Office charge deposit account 09-0946 for \$530, the sum of the petition fees set forth in 37 CFR §1.20(b) and §1.17(f). The Office is hereby authorized to apply any additional charges or credits to the specified deposit account.

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Conclusion

The requirement that the deceased inventor provide the statement specified in 37 CFR 37 CFR §1.324(b)(1) is met by the statement of the deceased inventor's legal representative under 37 CFR §1.42. In the alternative, the requirement should be waived under 37 CFR §1.183 because the facts of record unequivocally support the addition of the deceased inventor to United States Patent No. 7,008,439. As the remaining requirements of 37 CFR §1.324(b) have been satisfied as set forth above, the existing inventors and the assignee respectfully request that the Office issue a certificate adding Mr. Sidney Wolvek as an inventor to the '439 patent.

Respectfully submitted,

Dated: August 25, 2010

/Greg H. Gardella/
Greg H. Gardella
Reg. No. 46,045

Irell & Manella
1800 Avenue of the Stars
Suite 900
Los Angeles, CA 90067-4276
310.203.7915

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:	:
Janzen et al.	:
	:
Patent No.: 7,008,439	: Group Art Unit: 4153
	:
Issued: March 7, 2006	: Examiner:
	: Gary Jackson
	:
For: DEVICE AND METHOD FOR SEALING	:
PUNCTURE WOUNDS	:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT PURSUANT TO 37 C.F.R. § 1.324(b) (2)

I, Ernst Janzen, state:

1. I am currently named as an inventor in the above-referenced patent along with Gunter Ruttgers and Lawrence Saper. I make this Statement in support of a petition to correct inventorship pursuant to 37 C.F.R. § 1.324(a) to add Sidney Wolvek as an additional joint inventor on the patent.
2. I agree with the requested change to add Sidney Wolvek as a joint inventor on this patent.

I declare under penalty of perjury that the foregoing is true and correct. I further state that I have been warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom. I state that all statements

made of my own knowledge are true and that all statements made on information and belief are believed to be true.

DATED: August 22, 2010

A handwritten signature, appearing to be "E. Janzen", is written over a horizontal line.

ERNST JANZEN

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:	:
Janzen et al.	:
	: Group Art Unit: 4153
Patent No.: 7,008,439	:
	: Examiner:
Issued: March 7, 2006	: Gary Jackson
	:
For: DEVICE AND METHOD FOR SEALING	:
PUNCTURE WOUNDS	:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT PURSUANT TO 37 C.F.R. § 1.324(b) (2)

I, Gunter Ruttgers, state:

1. I am currently named as an inventor in the above-referenced patent along with Ernst Janzen and Lawrence Saper. I make this Statement in support of a petition to correct inventorship pursuant to 37 C.F.R. § 1.324(a) to add Sidney Wolvek as an additional joint inventor on the patent.

2. I agree with the requested change to add Sidney Wolvek as a joint inventor on this patent.

I declare under penalty of perjury that the foregoing is true and correct. I further state that I have been warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom. I state that all statements

Patent No.: 7,008,439

Docket No.: STJUDE 3.0-071 CIP DIV II CONT

made of my own knowledge are true and that all statements made
on information and belief are believed to be true.

DATED:

Aug. 20, 2010

G. Ruttgers
GUNTER RUTTGERS

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Docket No.: STJUDE 3.0-071 CIP DIV II CONT
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:
Janzen et al.

Patent No.: 7,008,439

Issued: March 7, 2006

For: DEVICE AND METHOD FOR SEALING
PUNCTURE WOUNDS

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:
: Group Art Unit: 4153
:
: Examiner:
: Gary Jackson
:
:
:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT PURSUANT TO 37 C.F.R. § 1.324(b) (2)

I, Lawrence Saper, state:

1. I am currently named as an inventor in the above-referenced patent along with Ernst Janzen and Gunter Ruttgers. I make this Statement in support of a petition to correct inventorship pursuant to 37 C.F.R. § 1.324(a) to add Sidney Wolvek as an additional joint inventor on the patent.

2. I agree with the requested change to add Sidney Wolvek as a joint inventor on this patent.

I declare under penalty of perjury that the foregoing is true and correct. I further state that I have been warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom. I state that all statements

Patent No.: 7,008,439

Docket No.: STJUDE 3.0-071 CIP DIV II CONT

made of my own knowledge are true and that all statements made
on information and belief are believed to be true.

DATED:

24 Aug 2010

Lawrence Saper
LAWRENCE SAPER

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Docket No.: STJUDE 3.0-071

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Janzen et al.

Patent No.: 7,008,439

Issued: March 7, 2006

For: DEVICE AND METHOD FOR SEALING PUNCTURE WOUNDS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF ASSIGNEE UNDER
37 C.F.R. § 1.324(b)(3)

I am authorized to act on behalf of the Assignee, St. Jude Medical, Inc., of the above-referenced patent.

As the representative of the Assignee, I hereby state that the Assignee agrees to the requested change of inventorship adding Sidney Wolvek as an inventor on the above-referenced patent.

Respectfully submitted,

Dated: 8/23/10

By: Thomas A. Rendos
Thomas A. Rendos

ASSIGNMENT OF PATENTS

This ASSIGNMENT OF PATENTS (this "Assignment") is made and entered into as of this 6th day of August, 2008, by and between Datascope Investment Corp., a Delaware corporation and Datascope Corp., a Delaware corporation (together, the "Assignors"), on the one hand, and St. Jude Medical, Inc., a Minnesota corporation (the "Assignee"), on the other.

WITNESSETH:

WHEREAS, Assignors and Assignee are parties to an Asset Purchase Agreement dated as of August 6, 2008, pursuant to which Assignee has acquired all of Assignors' right, title and interest in and to the patents and patent applications listed on Schedule A hereto (all such patents and patent applications referred to collectively as the "Assigned Patents").

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignors and Assignee each hereby agree as follows:

1. Assignment. Assignors hereby sell, assign, transfer, convey and deliver to Assignee and its successors and assigns, and Assignee hereby purchases and accepts from Assignors, all of Assignors' right, title and interest in, to and under the Assigned Patents, including the right to file for continuations, continuations-in-part, divisionals, reexaminations and reissues thereof and foreign counterparts thereto, and all patents issuing therefrom, together with the right to sue and recover damages for future or past infringements of the Assigned Patents and to fully and entirely stand in the place of Assignors in all matters related thereto.

2. Further Assurances. Assignors agree to execute and deliver such other documents and to take all such other actions as Assignee, its successors and assigns may reasonably request to effect the terms of this Assignment and to execute and deliver any and all affidavits, testimonies, declarations, oaths and other documentation as may be reasonably required to effect the terms of this Assignment. Assignee, or its successor or assign, as the case may be, shall be responsible for all costs incurred by Assignors in executing and delivering any of the foregoing.

3. Miscellaneous. This Assignment, and all claims or causes of action (whether at law, in contract or in tort) that may be based upon, arise out of or relate to this Assignment or the negotiation, execution or performance hereof, shall be governed by and construed in accordance with the laws of the State of New York without giving effect to conflicts of laws principles that would result in the application of the law of any other state. This Assignment may not be supplemented, altered or modified in any manner except by a writing signed by all parties hereto. The failure of any party to enforce any terms or provisions of this Assignment shall not waive any of its rights under such terms or provisions. This Assignment shall bind and inure to the benefit of the respective parties and their assigns, transferees and successors. This Assignment and any amendments hereto may be executed in one or more counterparts, each of which shall be deemed an original but all of which together will constitute on and the same instrument.

IN WITNESS WHEREOF, each of the Assignors and Assignee has executed this Assignment as of the day and year first above written.

ST. JUDE MEDICAL, INC.

By: _____
Name:
Title:

DATASCOPE INVESTMENT CORP.

By: Fred Adelman
Name: Fred Adelman
Title: Treasurer

DATASCOPE CORP.

By: H. Scaramelli
Name: Henry M. Scaramelli
Title: Vice President

State of NJ)
) ss.:
County of Bergen)

On the 6th day of August in the year 2008 before me, the undersigned, a Notary Public in and for said State, personally appeared Fred Adelman and Henry M. Scaramelli, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signatures on the instrument, the individuals, or the persons upon behalf of which these individuals acted, executed the instrument.



Notary Public

My commission expires: 10/15/2011

Dated: Aug 6, 2008

SUSAN REILLY
NOTARY PUBLIC OF NEW JERSEY
COMMISSION EXPIRES 10/15/2011

IN WITNESS WHEREOF, each of Assignor and Assignee has executed this Assignment
as of the day and year first above written.

ST. JUDE MEDICAL, INC.

By: *John C. Heinmiller*
Name: John C. Heinmiller
Title: Executive Vice President and
Chief Financial Officer

DATASCOPE INVESTMENT CORP.

By: _____
Name:
Title:

SCHEDULE A
ASSIGNED PATENTS

U.S. Patents

7,179,266	Surgical Device issued 2/20/07
7,008,439	Device and method for sealing puncture wounds issued 3/7/06
6,451,031	Blood Vessel suturing device with single guide-wire issued 9/17/02
6,436,109	Device and method for suturing blood vessels and the like issued 8/20/02
6,428,549	Device and method for suturing blood vessels and the like issued 8/6/02
6,325,789	Device and Method for sealing puncture wounds issued 12/04/01
6,183,496	Collapsible hemostatic plug issued 2/6/01
6,139,556	Device and method for suturing blood vessels and the like issued 10/31/00
6,132,439	Knot pusher issued 10/17/00
6,077,279	Device and method employing adhesive for sealing blood vessels and the like issued 6/20/00
6,077,276	Device and method for suturing blood vessels and the like issued 6/20/00
6,048,357	Anchoring device and method for sealing punctures in vessels issued 4/11/00
6,024,747	Device and method for suturing blood vessels and the like issued 2/15/00
6,022,372	Arterial stapling device issued 2/8/00
6,001,109	Device and method for suturing blood vessels issued 12/14/99
5,997,555	Device and method for suturing blood vessels issued 12/7/99
5,980,539	Device and method for suturing blood vessels and the like issued 11/9/99
5,948,425	Device and method for sealing puncture wound issued 4/7/99
5,928,266	Anchoring device and method for sealing percutaneous punctures in vessels issued 7/27/99
5,876,411	Device and method for locating and sealing a blood vessel issued 3/2/99
5,871,501	Guide wire with releasable barb anchor issued 2/16/99
5,861,005	Arterial stapling device issued 1/19/99
5,855,585	Device and method for suturing blood vessels and the like issued 1/5/99
5,853,421	Guide wire with releasable barb anchor issued 2/29/98
5,830,130	Device and method for sealing puncture wounds issued 11/03/98
5,810,849	Device and method for suturing blood vessels and the like issued 9/22/98
5,755,727	Method device for locating and sealing a blood vessel issued 5/26/98
5,741,223	Device and method for sealing puncture wounds issued 4/21/98
5,728,133	Anchoring device and method for sealing percutaneous punctures in vessels issued 3/17/98
5,728,122	Guide wire with releasable barb anchor issued 3/17/98
5,725,498	Device and method for sealing puncture wounds issued 3/10/98
5,591,204	Device and method for sealing puncture wounds issued 1/7/97

5,437,631	Percutaneous introducer set and method for sealing puncture wounds issued 8/1/95
5,403,278	Device and method for treating hematomas and false aneurysms issued 4/4/95
5,391,183	Device and method sealing puncture wounds issued 2/21/95
5,292,332	Method and Device for percutaneous sealing arterial puncture sites issued 3/8/99
60/920,640	Vascular Hemostasis Device filed 3/29/07
11/725,433	Device and Method for Sealing Puncture Wounds filed 3/19/07
11/594,485	Surgical Device filed 11/7/06
12/009,830	Surgical Device

Foreign Patents

Janzen Patents

U.S. 5,391,183 (also 7,008,430) Family

AR 247087A1
 AT 146664T
 AU 656534B2
 BR 9104042A
 CA 2051360C
 DE 69123817D1
 DE 69637303D1
 DK 482350T3
 EP 0482350B1
 ES 2030639T1
 JP 3228965B2
 JP 3475185B2
 JP 2002058673A

Belgium (EP) -- 0482350
 France (EP) -- 0482350
 Great Britain (EP) -- 0482350
 Mexico -- 181,478
 Netherlands (EP) -- 0482350
 Sweden (EP) -- 0482350
 Switzerland (EP) -- 0482350
 Spain (EP) -- 0482350

Leschinsky Patents

U.S. 5,728,122 Family

AT 308273T
 AT 376390T
 AU 700914B2
 CA 2223048C
 CA 2309844C
 DE 69635372D1
 EP 0836424B1
 EP 1598016B1
 JP 3942618B2
 JP 11507263T

JP 2005246078A
JP 2007136230A
WO 9639945A1

Kontos Patents

U.S. 5,855,885 Family

EP 0585901B1
EP 0812571B1
EP 1121055A4
HK 1005648A1
JP 3164532B2
JP 10043192A
JP 2004500160T

Germany (DE) -- 0812571

France (FRe) -- 0812571

United Kingdom (GBe) -- 0812571

U.S. 5,728,133 Family

DE 69703863D1
EP 08181781B1
ES 2155654T3
HK 1008477A1
JP 3233892B2
JP 10043311A

PATENT ASSIGNMENT

Electronic Version v1.1

Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT										
NATURE OF CONVEYANCE:	ASSIGNMENT										
CONVEYING PARTY DATA											
<table border="1"><thead><tr><th>Name</th><th>Execution Date</th></tr></thead><tbody><tr><td>Datascope Investment Corp.</td><td>08/06/2008</td></tr><tr><td>Datascope Corp.</td><td>08/06/2008</td></tr></tbody></table>	Name	Execution Date	Datascope Investment Corp.	08/06/2008	Datascope Corp.	08/06/2008					
Name	Execution Date										
Datascope Investment Corp.	08/06/2008										
Datascope Corp.	08/06/2008										
RECEIVING PARTY DATA											
<table border="1"><tr><td>Name:</td><td>St. Jude Medical, Inc.</td></tr><tr><td>Street Address:</td><td>1 St. Jude Medical Drive</td></tr><tr><td>City:</td><td>St. Paul</td></tr><tr><td>State/Country:</td><td>MINNESOTA</td></tr><tr><td>Postal Code:</td><td>55117</td></tr></table>	Name:	St. Jude Medical, Inc.	Street Address:	1 St. Jude Medical Drive	City:	St. Paul	State/Country:	MINNESOTA	Postal Code:	55117	
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Postal Code:	55117										
PROPERTY NUMBERS Total: 1											
<table border="1"><thead><tr><th>Property Type</th><th>Number</th></tr></thead><tbody><tr><td>Patent Number:</td><td>7008439</td></tr></tbody></table>	Property Type	Number	Patent Number:	7008439							
Property Type	Number										
Patent Number:	7008439										
CORRESPONDENCE DATA											
Fax Number: (310)203-7199											
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>											
Phone: 310-277-1010											
Email: patents@irell.com											
Correspondent Name: Greg H. Gardella											
Address Line 1: 1800 Avenue of the Stars											
Address Line 2: Suite 900											
Address Line 4: Los Angeles, CALIFORNIA 90067											
ATTORNEY DOCKET NUMBER:	156204-0014-GARD										

NAME OF SUBMITTER:	Greg H. Gardella
Signature:	/Greg H. Gardella/
Date:	08/25/2010
Total Attachments: 8 source=Datascopes-St. Jude Assignment#page1.tif source=Datascopes-St. Jude Assignment#page2.tif source=Datascopes-St. Jude Assignment#page3.tif source=Datascopes-St. Jude Assignment#page4.tif source=Datascopes-St. Jude Assignment#page5.tif source=Datascopes-St. Jude Assignment#page6.tif source=Datascopes-St. Jude Assignment#page7.tif source=Datascopes-St. Jude Assignment#page8.tif	
RECEIPT INFORMATION EPAS ID: PAT1296841 Receipt Date: 08/25/2010 Fee Amount: \$40	

Docket No.: STJUDE 3.0-071

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Janzen et al.
Patent No.: 7,008,439
Issued: March 7, 2006
For: DEVICE AND METHOD FOR SEALING PUNCTURE WOUNDS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT OF INVENTOR'S LEGAL REPRESENTATIVE UNDER
37 C.F.R. § 1.324(b)(1) AND 37 C.F.R. 1.42**



Patent No. 7,008,439

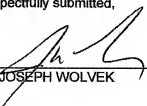
Docket No.: STJUDE 3.0-071 CIP DIV II CONT

I am the legal representative of the estate of my father, Sidney Wolvek, whom I understand to be listed as an inventor on patents that are related to the above-referenced patent.

As the legal representative of Sidney Wolvek's estate, I hereby state that, to the best of my knowledge and belief, the omission of Sidney Wolvek as an inventor on the above-referenced patent was an error that occurred without any deceptive intention on his part.

Respectfully submitted,

By:


JOSEPH WOLVEK

Dated:

8-21-2010